



March 26, 2020

The Honorable Edward Buchanan, Secretary of State  
Herschler Building East  
122 W. 25<sup>th</sup> Street, Suites 100  
Cheyenne, Wyoming 82002

RE: Veto of SF0097/SEA No. 0052 - Born alive infant-means of care

Dear Secretary Buchanan,

I am, and always have been, pro-life. I see all life as sacred and that every individual should be treated with dignity, compassion, and care. Senate Enrolled Act 52 is a particularly challenging piece of legislation. It interposes the State between a parent and a physician and does so indifferently. The conundrum is one over which I have prayed extensively and consulted with my minister seeking guidance of whether the conceit of the State should replace the love of a parent or for that matter presume a role that is properly God's.

Current law gives parents the right to ask for and to receive care for their child and to try every reasonable measure to keep that child alive regardless of cost. This is good and appropriate. Still when any child, regardless of age, has medical complications or conditions, which are not compatible with life, I struggle to see that it is the State's place to displace the wishes of the parents or diminish the expertise of medical professionals. Nor should a physician's willingness to care for a patient be compromised for fear of following parents' wishes or for practicing within the scope of their experience when some speculative alternative might exist. This issue troubles me greatly.

I am vetoing *Born alive infant-means of care* because it does not limit abortion, nor does it relieve grief, allay guilt, or improve upon existing law. Instead, it limits the decision-making of parents facing an unimaginably difficult decision -- one where the state can never take the place of faith. This bill would eliminate the opportunity for a child to pass away in the loving arms of parents, rather it would require that a child be removed from those loving parents and placed in a situation where the child might still pass away in the midst of stressful, painful, and futile efforts to resuscitate.

W.S. 35-6-104 and 35-6-110 already make it a felony, punishable with up to 14 years in prison, for a physician to refuse treatment to a "viable infant aborted alive with any chance of survival."

Further, W.S. 35-6-102 and 35-6-110 make it a felony, also punishable with up to 14 years in prison, to perform an abortion once a "fetus has reached viability."

Additionally, the federal Born-Alive Infants Protection Act specifies that any infant born alive, regardless of the stage of fetal development and regardless of whether such birth was the result of "induced abortion" is a "person," "human being," "child," and "individual" for purposes of interpreting any federal laws, rules, or regulations. *See* Pub. L. No. 107-207, 116 Stat. 926 (2002) (codified at 1 U.S.C. § 8). Thus, any physician who refuses care to a born-alive infant because it was aborted, even though care would be provided had the baby been born under different circumstances, is already in violation of any federal law that protects a person, human being, child, or individual.

The *Born alive infant-means of care* bill removes "with any chance of survival" from the current law mandating care to a baby aborted alive. By doing so, the bill prevents parents and physicians from making decisions about how to care for a baby with no chance of survival, when such a baby was born by induced labor because of a diagnosis of incompatibility with life. This strips parents of the ability to make medical decisions about their own family, and it strips physicians of the ability to make critical medical judgments. If comfort care and bonding is what parents and a physician determine should be provided to a baby with no chance of survival, the State should not interfere in that determination.

Laws already in place protect children from being denied life-saving care simply because they were born as a result of an abortion. This bill will not do anything to improve on those laws, which already exist. Instead, this bill will harm people it never intended to harm - parents who want a child, but have received the devastating news that their pregnancy is not viable. The State should not seek to make that moment for parents any more tragic than it already is. For this reason, I am vetoing this bill.

Sincerely,



Mark Gordon  
Governor

cc: The Honorable Steve Harshman, Speaker of the House  
The Honorable Drew Perkins, President of the Senate  
Chief Clerk, Wyoming House of Representatives  
Chief Clerk, Wyoming Senate